

Chelan County District Court
Local Court Rules

Effective September 1, 2000

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LCRLJ 38
CIVIL JURY TRIAL

(A) Demand. The request for jury trial in civil cases shall be by filing a demand with the clerk and paying the jury fee not

later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(B) Imposition of Costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings, and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex-parte, and enter any appropriate order including striking the jury demand and may impose terms. Insofar as practical, the conference shall deal with any matter cognizable by Superior or District Court Rule and failure to raise the matter may result in the waiver of the same.

[Effective September 1, 2006]

LCRLJ 54
ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following fee schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

SCHEDULE FOR REASONABLE ATTORNEY FEES
IN DEFAULT CASES
(Unless limited by statute)

\$0	to \$1,000	\$300
\$1,000.01	to \$1,500	\$325

\$1,500.01 to \$2,000	\$350
\$2,000.01 to \$2,500	\$375
\$2,500.01 to \$3,000	\$400
\$3,000.01 to \$4,000	\$425
\$4,000.01 to \$5,000	\$450

For judgment amounts exceeding \$5,000, reasonable attorney fees may be allowed of 10% of any balance over \$5,000, without formal justification or documentation.

NSF Checks: When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the attorney in the case, in which case the court shall determine a reasonable fee. A reasonable handling fee awarded pursuant to 62A.3-515 shall not exceed \$35 per check.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of the judgment.

[Effective September 1, 2006]

LCrRLJ 3.1(d)
RIGHT TO AN ASSIGNMENT OF LAWYER

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services which appear to be required by reasons of the crime charged without substantial hardship to himself or his family. Defendants who may request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed in substantially the form set forth in Exhibit LCrRLJ 3.1 (d) (1) and (2).

All appointments of counsel by reason of indigency are expressly contingent upon indigency and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that the defendant can afford to retain counsel, or if the defendant can afford partial payment, fees may be ordered paid, pursuant to the appointment agreement, by the court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the Clerk shall promptly provide counsel with notice of the appointment.

Attorneys representing defendants in criminal cases must

serve prompt written notice of appearance upon the prosecuting attorney and file the same with the clerk of the court.

[Effective September 1, 2006]

LCrRLJ 3.1(e)
WITHDRAWAL OF LAWYER

No withdrawal of a lawyer after a case has been set for trial will be recognized by the court, except for cause deemed sufficient by the court. Approval of withdrawal may, if necessary to prevent a continuance, be denied, and such attorney be required to proceed with the trial.

All counsel shall be automatically terminated as counsel of record upon entry of a sentence on a guilty plea or at the conclusion of the thirty-day appeal period following sentencing as a result of a conviction after trial or upon entry of an order deferring prosecution, an order granting diversion, an order deferring sentence, a dispositional order of continuance, or any final disposition which is appealable.

[Effective September 1, 2006]

LCrRLJ 4.1(d)
CRIMES REQUIRING DEFENDANT'S APPEARANCE
AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignment; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2006]

LCrRLJ 4.2(i)
DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to trial unless good cause exists for delay. Sample forms for such a petition are attached hereto as Exhibits LCrRLJ 4.2(i) A, B, C, and D. The court shall have the discretion to impose court costs at the time of the approval of a deferred prosecution.

[Effective September 1, 2006]

LCrRLJ 4.8
WITNESSES - PROCESS - SUBPOENAS

When application is made for a subpoena for a witness residing outside of Chelan County and the Greater Wenatchee area, such application shall be accompanied by an affidavit showing to the satisfaction of the court the materiality of the testimony which is expected to be obtained from such witness. The court in its discretion may waive this requirement.

Preparation of subpoenas shall be the responsibility of the applicant and shall be submitted with the application requesting issuance of the subpoena. Service of all subpoenas shall be the responsibility of the applicant.

[Effective September 1, 2006]

LCrRLJ 6.1
PRE-JURY TRIAL CONFERENCE/READINESS CONFERENCE

6.1(a) Pre-jury Trial Conference

In every criminal case in which the defendant has not waived jury trial, the clerk shall set a pre-jury trial conference to be held on a date not more than 4 weeks from the date a plea of Not Guilty is entered. The purpose of said conference is for the presentation and setting of motions, for plea negotiations between the parties, and the setting of a readiness conference and jury trial date. Discovery should be completed by the pre-jury trial conference. See CrRLJ 3.5, CrRLJ 3.6, and LCrRLJ 8.2 for motions practice and procedures.

The defendant and counsel shall be required to attend pre-trial hearings unless excused by the court. Failure to attend any pre-trial hearing may result in the issuance of a bench warrant and forfeiture of any bail.

6.1(b) Readiness Conference

Within seven (7) days prior to an assigned jury trial date, there shall be held a readiness conference. At such hearing, it shall be mandatory that the prosecuting attorney, the defense counsel, and the defendant be present. At such hearing, the following matters will be concluded:

1. All plea negotiations.
2. Exchange of witness lists.
3. Providing of any discovery not previously completed by the pre-jury conference.
4. Motions on legal issues arising subsequent to the pre-jury trial conference or on issues arising due to new evidence.

At the conclusion of the readiness hearing, the court will no longer grant any further motions to amend the charges. Therefore, the case will be tried by jury, unless waived by the defendant, or concluded by a guilty plea to all the original charge(s), or a dismissal of all the charge(s). A failure of the defendant to be present at the readiness hearing will result in the issuance of a bench warrant for failure to appear and the striking of the jury trial date. The requirements of this rule can be waived only by the judge assigned to the case or the Presiding Judge of the Chelan County District Court.

[Effective September 1, 2006]

LCrRLJ 6.13(b) EVIDENCE - BLOOD DRAW CERTIFICATION

(1) Certification of Qualification to Draw Blood and of Blood Draw Procedure.

(A) Admission of Blood Draw Certificate. In the absence of a request to produce the person who drew blood from the defendant made at least 7 days prior to trial, certificates substantially in the following form are admissible in lieu of a witness in any court proceeding held pursuant to RCW 46.61.502 through RCW 46.61.506 for the purposes of determining whether a person was operating or in actual physical control of a vehicle while under the influence of intoxicating liquors and/or drugs:

BLOOD DRAW CERTIFICATION:

I, _____, do certify under penalty of perjury of the laws of the State of Washington the following: I

am a (physician) (registered nurse) (qualified technician) and I am qualified by medical training and experience to draw blood from the human body.

On _____ (date) at _____ (time) I drew _____
(number of samples) blood samples from _____
(name of person) at the direction
and in the presence of _____ (name of officer).

I further certify that with each sample the blood draw site was sterilized with a non-alcoholic preparation (betadine) (other _____), and that each blood sample was drawn into a chemically clean dry container (hereinafter referred to as blood draw containers) consistent with the size of the sample and sealed with an inert leak-proof stopper. The blood draw containers are known by me to contain a suitable anti-coagulant and enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. The anti-coagulant and enzyme poison utilized in this blood draw were (sodium fluoride and potassium oxalate) (other: _____). To the best of my knowledge, no foreign substances or chemicals, including alcohol, were involved in the blood draw process other than those listed above.

Date and Place

Signature of person making certification

[Effective September 1, 2006]

LCrRLJ 8.2
MOTIONS

At the pre-jury trial conference, the parties must state with specificity all motions and counsel may be required to articulate on the record the basis for any motion. If by the pre-jury trial conference, the motion is not made in writing and submitted with a written memorandum of authorities in support of the motion, the moving party shall file no later than 7 days following the pre-jury trial conference such written memorandum, unless otherwise allowed by the court. Opposing counsel may be ordered to serve and file a memorandum of authorities in opposition to the motion. The court will determine if an evidentiary hearing is required and will set a time for a hearing on the motions.

The parties, at the pre-jury trial conference or as soon thereafter, shall inform the court if a special setting may be required due to the anticipated length of the hearing (in excess of 30 minutes).

[Effective September 1, 2006]

LIRLJ 2.6(c)
MITIGATION HEARING ON WRITTEN STATEMENT

Written Request for Penalty Reduction. A defendant requesting a reduction of an infraction penalty may have such a determination based upon his or her written statement explaining the mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

I certify [or declare] under the penalty of perjury under the laws of the State of Washington that the foregoing is true:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

[Date and Place]

[Signature]

Further, the examination of the statemen may be held in chambers.

[Effective September 1, 2006]

LIRLJ 3.1
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

- (a) (1) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) Speeding Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

(4) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2006]

LIRLJ 3.3(b)(1)
WAIVER OF PERSONAL APPEARANCE

At a contested hearing and in lieu of a personal appearance, a defendant charged with a traffic infraction may appear by and through counsel.

[Effective September 1, 2006]

LIRLJ 3.3(b)(2)
NOTICE OF APPEARANCE BY COUNSEL

A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and the clerk of the court of such representation at least 7 days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available speed measuring

device expert/infraction calendar for the designated law enforcement agency. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date a default judgment is set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]

CRRLJ 3.1(D) (1) AFFIDAVIT OF INDIGENCY

The contents of this item are only available [on-line](#).

CRRLJ 3.1(D) (2) ACKNOWLEDGMENT OF NOTICE OF POTENTIAL LIABILITY FOR ATTORNEY FEES

The contents of this item are only available [on-line](#).

CRRLJ 4.2(I) (A) PETITION FOR DEFERRED PROSECUTION

The contents of this item are only available [on-line](#).

CRRLJ 4.2(I) (B) ORDER OF REFERRAL FOR EVALUATION

The contents of this item are only available [on-line](#).

CRRLJ 4.2(I) (C) STATEMENT OF DEFENDANT ON PETITION FOR DEFERRED PROSECUTION/STIPULATION TO FACTS

The contents of this item are only available [on-line](#).

CRRLJ 4.2(I) (D) ORDER DEFERRING PROSECUTION

The contents of this item are only available [on-line](#).
